

PATENT
DOCKET NO. 29627/36393

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re Reissue Application of:

) "EXPRESS MAIL" mailing label No.
Lowell R. Tully et al.) **EL564457959US**

U.S. Patent No. 5,858,142

)
Issued: January 12, 1999)
For: ANGULAR ORIENTATION)
CONTROL SYSTEM FOR)
FRICTION WELDING)
)

Filed: Herewith

)
Probable Group Art Unit: 1734)
Probable Examiner: Sells, James)

I hereby certify that this paper and all
documents referred to therein as being
enclosed are being deposited with the
United States Postal Service "EXPRESS
MAIL POST OFFICE TO ADDRESSEE"
service under 37 C.F.R. §1.10 addressed
to: Assistant Commissioner for Patents,
Washington, D.C. 20231 on this date:

January 12, 2001

Laura Frasher
Laura Frasher

REISSUE DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. We (Lowell R. Tully, Dave Konieczny, Stephen A. Johnson and Stephen R. Estes), as named joint inventors, hereby declare that our residence, post office addresses and citizenship are as stated below after our names. We believe we are the original, first and joint inventors of the subject matter which is described and claimed in U.S. Patent No. 5,858,142 (hereinafter "the '142 patent"), issued on January 12, 1999, and for which invention we now solicit a broadening reissue patent.

2. We have assigned the entire right, title and interest in and to the '142 patent to Intertia Friction Welding, Inc. in an assignment recorded in the U.S. Patent and Trademark Office on December 9, 1997, at Reel 9222, Frame 0508 and believe that we have the

right to make this declaration in accordance with 37 CFR §1.172(a) inasmuch as the referenced accompanying reissue application seeks to enlarge the scope of the claims of the '142 patent.

3. We hereby state that we have reviewed and understand the contents of the '142 patent, including the claims.

4. We believe the '142 patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '142 patent. We claimed less than we had a right to claim because claim 1 represents the only independent claim in the '142 patent and contains the limitation "moving said holder toward said spindle." This limitation may be construed to limit the invention to a method that moves the holder towards the non-rotatable holder, which is not representative of the invention disclosed by us in the application. The invention described in the application includes friction welding two pieces together by bringing them together in any manner, whether the pieces are brought together by moving one piece, the other piece, or both pieces.

5. We believe the '142 patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '142 patent. We claimed less than we had a right to claim because claim 1 is a method claim and represents the only independent claim in the '142 patent. Applicants' invention includes more than the methods for friction welding using the apparatus described in the specification, it includes the apparatus itself.

6. The error in claiming less than we had a right to claim arose without any deceptive intention on our part. The application that matured into the '142 patent was filed on December 9, 1997. The error occurred because at the time that the '142 patent was prepared, prosecuted and ultimately issued, we did not have a complete understanding of the scope and meaning of language contained in patent claims.

7. We acknowledge a duty to disclose information of which we are aware and which is material to the examination of this reissue application in accordance with 37 CFR §1.56(a).

8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this reissue application or any reissue patent issued thereon.

Full Name of First Joint Inventor: Lowell R. Tully

First Inventor's Signature:

Date: 01-11-01

Country of Citizenship: United States of America

Residence and Post Office Address: 30425 North Shore Drive
Elkhart, Indiana 46514

Full Name of Second Joint Inventor: Stephen A. Johnson

Second Inventor's Signature:

Date:

Residence and Post Office Address: 16495 W. Madison

Full Name of Third Joint Inventor: Dave Konieczny

Third Inventor's Signature:

Date: 1-10-2001

Country of Citizenship: United States of America

Residence and Post Office Address: 2227 W. 950 South
Union Mills, Indiana 46382

Full Name of Fourth Joint Inventor: Stephen R. Estes

Fourth Inventor's Signature:

Date: 1-10-2001

Country of Citizenship: United States of America

Residence and Post Office Address: 25728 State Road 23
South Bend, Indiana 46614

PATENT

Attorney Docket: 29627/36393

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Reissue Application of:) "EXPRESS MAIL" mailing label No.
Lowell R. Tully et al.) **EL564457959US**
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Issued: January 12, 1999) documents referred to therein as being
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Probable Group Art Unit: 1734) §1.10 addressed to: Assistant
Probable Examiner: Sells, James) Commissioner for Patents, Washington,
) D.C. 20231 on this date:
) January 12, 2001
)
) Laura Frasher
) Laura Frasher

POWER OF ATTORNEY AND
REVOCATION OF PRIOR POWERS

Commissioner for Patents
Washington, D.C. 20231

Sir:

Inertia Friction Welding, Inc., assignee of the entire right, title and interest in
and to U.S. Patent No. 5,858,142, issued January 12, 1999, pursuant to an assignment
recorded in the U.S. Patent and Trademark Office on December 9, 1997, at Reel 9222, Frame
0508, hereby revokes all previous powers of attorney and appoints the following attorneys to
transact all business concerning U.S. Patent No. 5,858,142 and to prosecute the referenced
accompanying application for reissue thereof:

Alicia H. Gerstein (22,218)	Patrick D. Ertel (26,877)	Jeffrey S. Sharp (31,879)	David W. Clough (36,107)
Nate F. Scarpelli (22,320)	James F. Zeller (28,491)	Martin J. Hirsch (32,237)	Anthony G. Sitko (36,278)
Edward M. O'Toole (22,477)	William E. McCracken (30,195)	James J. Napoli (32,361)	James A. Flight (37,622)
Michael F. Borun (25,447)	Richard A. Schnurt (30,890)	Richard M. La Burge (32,254)	Roger A. Heppermann (37,641)
Trevor B. Jolke (25,542)	Anthony Nimoto (30,920)	Li-Hsien Lin-Laures, M.D. (33,547)	David A. Gass (38,153)
Carl E. Moore, Jr. (26,487)	Christine A. Dudzik (31,245)	Douglas C. Hochstetler (33,710)	Gregory C. Mayet (38,238)
Richard H. Anderson (26,526)	Kevin D. Hogg (31,839)	Robert M. Gerstein (34,824)	Michael R. Weiner (38,359)
			William K. Merkel (40,725)
			David C. Read (39,811)

Send correspondence to:

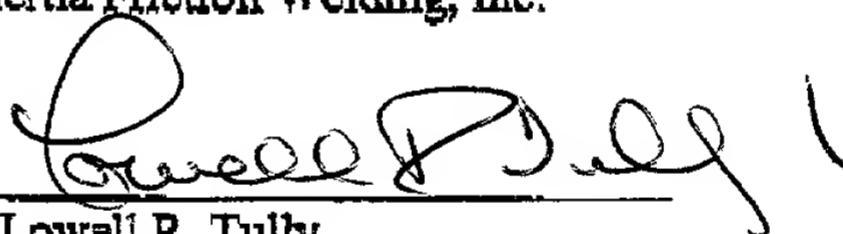
DAVID C. READ, ESQ.
Marshall, O'Toole, Gerstein,
Murray & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402

Direct telephone calls and facsimiles to:

David C. Read, Esq.
312/474-6300 (Telephone)
312/474-0448 (Facsimile)

Inertia Friction Welding, Inc.

By:


Lowell R. Tully
President

Dated: 01-11-01

Chicago, Illinois

ASSIGNMENT

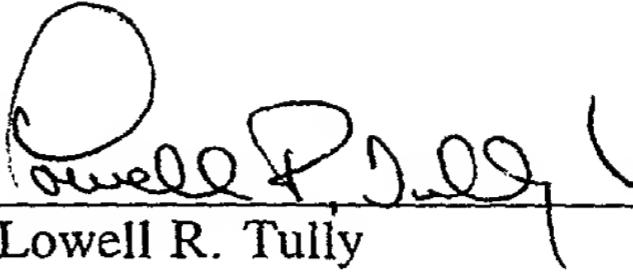
WHEREAS, we, Lowell R. Tully, a resident of Elkhart, Indiana; Stephen A. Johnson, a resident of South Bend, Indiana; Dave Konieczny, a resident of Union Mills, Indiana; and Stephen R. Estes, a resident of South Bend, Indiana have invented certain new and useful improvements in ANGULAR ORIENTATION CONTROL SYSTEM FOR FRICTION WELDING MACHINES as fully set forth and described in our application for United States Letters, executed 12-5-97; and

WHEREAS, Inertia Friction Welding Inc. a corporation of the State of Indiana of South Bend, Indiana is desirous of acquiring our entire right, title and interest in and to the said invention, and in and to Letters Patent of the United States and of any and all foreign countries which may issue therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we have assigned, sold and transferred and do hereby assign, sell and transfer unto said Inertia Friction Welding Inc. all of our right, title and interest in and to the aforesaid invention and in and to said provisional application, any other United States Patent Application based thereon, and any Letters Patent of the United States and of any and all foreign countries which may issue therefor, including all Letters Patent issuing upon any continuation, division, renewal or revival of the aforesaid patent and any reissue patent for the aforesaid invention, the same to be held and enjoyed by said Inertia Friction Welding Inc. for its own use and behoof, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

We hereby promise and agree, upon request, to execute all papers and all assignments necessary for the procurement of the United States and foreign Letters Patent and all assignments necessary to convey the legal title thereof to said Inertia Friction Welding Inc. and we hereby further promise and agree to perform all rightful acts that may be necessary and permissible in any interference proceeding or legal action in which said invention, patent applications or Letters Patent may become involved, for the purpose of proving the facts relating to our conception, development and completion of the aforesaid invention.

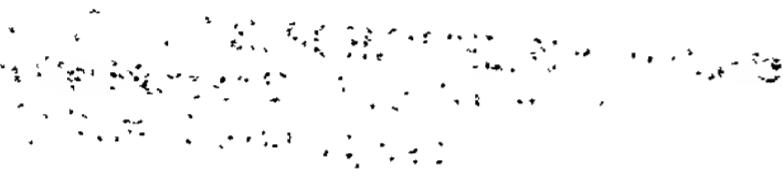
Dated: 12-5-97

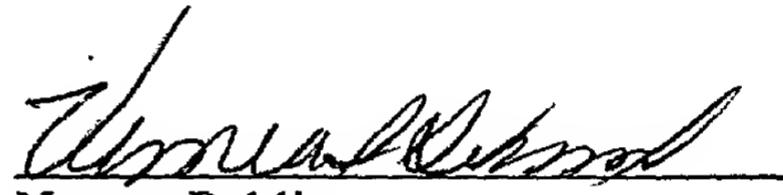

Lowell R. Tully

STATE OF Cal)
COUNTY OF St. Joseph)

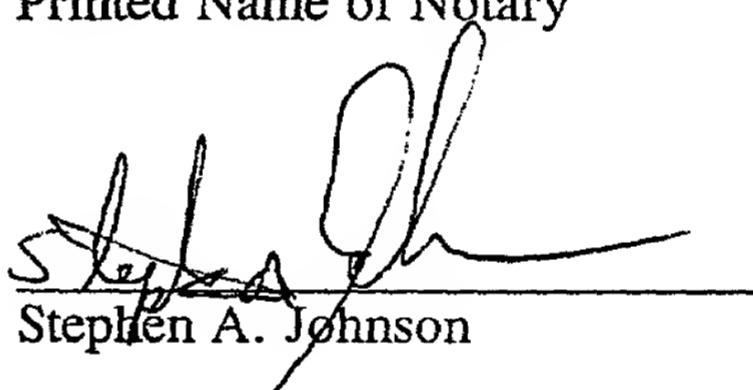
SS:

Before me the undersigned, a Notary Public in and for St. Joseph County, State of Cal, personally appeared Lowell R. Tully and acknowledged the execution of the foregoing instrument this 5 day of Dec 1997.


My Commission Expires


Lowell R. Tully
Notary Public

St. Joseph
County of Residence

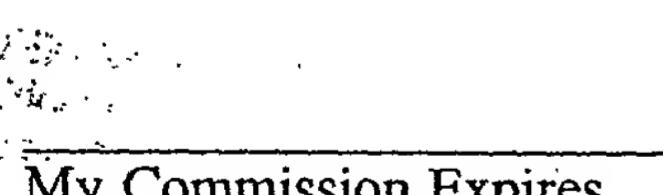

Printed Name of Notary

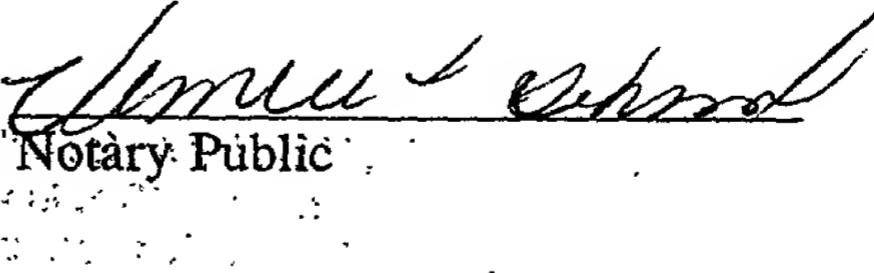
Dated: 12-5-97

STATE OF Cal)
COUNTY OF St. Joseph)

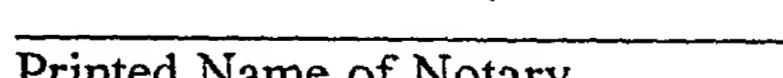
SS:

Before me the undersigned, a Notary Public in and for St. Joseph County, State of Cal, personally appeared Stephen A. Johnson and acknowledged the execution of the foregoing instrument this 5 day of Dec 1997.


My Commission Expires


Stephen A. Johnson
Notary Public

St. Joseph
County of Residence


Printed Name of Notary

Dated: 12/5/97

Dave Konieczny
Dave Konieczny

STATE OF Ind)

SS:

COUNTY OF St. Joseph)

Before me the undersigned, a Notary Public in and for St. Joseph County, State of Ind, personally appeared Dave Konieczny and acknowledged the execution of the foregoing instrument this 5 day of Dec 1997.

VERONICA S. SCHWARTZ, RN, LPN
A Resident of St. Joseph, MI 49080
My Commission Expires 12/31/97

My Commission Expires

St. Joseph
County of Residence

Veronica Schwartz
Notary Public

Printed Name of Notary

Dated: 12/5/97

Steven R. Estes
Steven R. Estes

STATE OF Ind)

SS:

COUNTY OF St. Joseph)

Before me the undersigned, a Notary Public in and for St. Joseph County, State of Ind, personally appeared Steven R. Estes and acknowledged the execution of the foregoing instrument this 5 day of Dec 1997.

VERONICA S. SCHWARTZ, RN, LPN
A Resident of St. Joseph, MI 49080
My Commission Expires 12/31/97

My Commission Expires

St. Joseph
County of Residence

Steven R. Estes
Notary Public

Printed Name of Notary